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3:97-CV-00350 NETSCH V. USA
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *A. Campbell* DEPUTY

LAW OFFICES OF
O'REILLY, COLLINS & DANKO

A PROFESSIONAL CORPORATION

TERRY O'REILLY 245712

JAMES E. COLLINS 297266

MICHAEL S. DANKO 111359

RIAN D. JORGENSEN 181351

2530 SAND HILL ROAD, SUITE 201

MENLO PARK, CALIFORNIA 94025

TELEPHONE (650) 854-7700

ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

NEWELL NETSCH, ELIZABETH NETSCH,
and the ESTATE OF LISA NETSCH,

CIV. NO. 97-0350-B (AJB)

NOTICE OF ENTRY OF JUDGMENT

Plaintiffs,

vs.

UNITED STATES GOVERNMENT,
U.S.D.A. FOREST SERVICE,
and DOES ONE through ONE HUNDRED,
Inclusive, and each of them,

Defendants.

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:


PLEASE TAKE NOTICE THAT on September 10, 1999, Final Judgment was

1 entered in favor of plaintiffs NEWELL NETSCH and ELIZABETH NETSCH and
2 against defendant UNITED STATES OF AMERICA in the total sum of \$1,000,000.00,
3 plus costs according to proof.
4

5
6 October 21, 1999

O'REILLY, COLLINS & DANKO

7
8 By


MICHAEL S. DANKO
Attorney for Plaintiffs,
NEWELL NETSCH and
ELIZABETH NETSCH

PROOF OF SERVICE BY MAIL

I am over the age of 18 years and not a party to the within action; my business address is, and I am employed at the Law Offices of O'Reilly & Collins, 2500 Sand Hill Road, Menlo Park, California.

On the date set forth below, I served a copy of the foregoing document in said action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail in the County of San Mateo, State of California, addressed as follows:

Don Ernst, Esq.
Ernst & Mattison
1020 Palm Street
P.O. Box 1327
San Luis Obispo, CA 93406

Fernando Campoamor
U.S. Department of Justice
Civil Division, Torts Branch
1425 New York Avenue NW
P.O. BOX 14271
Washington, D.C. 20044

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Menlo Park, California, on October 21, 1999.

Andrea Brady

1053
14 DAYS AFTER
entry of Judge
9/24/99

FILED
99 SEP 10 AM 10:41

BY: *Adrian* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NEWELL NETSCH, ELIZABETH
NETSCH, and the ESTATE OF LISA
NETSCH,

CIV. NO. 97-0350-B (AJB)

FINAL JUDGMENT *dx*

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

The Court having entered its FINDINGS OF FACT and CONCLUSIONS OF LAW in this case, and the the ESTATE OF LISA NETSCH having been previously dismissed as a plaintiff without prejudice, the Court now therefore ORDERS, ADJUDGES AND DECREES that Plaintiffs NEWELL NETSCH and ELIZABETH NETSCH should have and recover from Defendant the UNITED STATES OF AMERICA the total sum of \$1,000,000.00 plus costs according to proof.

IT IS SO ORDERED.

DATED: 9-9-99

Rudi M. Brewster
UNITED STATES SENIOR DISTRICT JUDGE

cc: All Parties
Magistrate Judge

ENTERED ON 9-10-99

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PEGGY COCKRELL and the
ESTATE OF GARY COCKRELL,

Plaintiffs,

vs.
UNITED STATES OF AMERICA,

Defendant.

CIV. NO. 97-0281-B (AJB)
FINAL JUDGMENT *de*

The Court having entered its FINDINGS OF FACT and CONCLUSIONS OF LAW in this case, and the ESTATE OF GARY COCKRELL having been previously dismissed as a plaintiff without prejudice, the Court now therefore ORDERS, ADJUDGES AND DECREES that Plaintiff PEGGY COCKRELL should have and recover from Defendant the UNITED STATES OF AMERICA the total sum of \$4,366,112.00 plus costs according to proof.

IT IS SO ORDERED.

DATED: 9-9-99

Richard M. Bunker
UNITED STATES SENIOR DISTRICT JUDGE

cc: All Parties
Magistrate Judge

ENTERED ON 9-10-99

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ALAPRUE DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PEGGY COCKRELL and the
ESTATE OF GARY COCKRELL,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 97CV0281-B(AJB)

SUPPLEMENTAL FINDINGS OF FACT
AND CONCLUSIONS OF LAW

NEWELL NETSCH, ELIZABETH
NETSCH, and the ESTATE OF LISA
NETSCH,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

CONSOLIDATED WITH CASE NO.
97CV0350-B(AJB)

On August 5, 1999, the Court entered proposed supplemental findings of fact and conclusions of law. The parties were granted until August 18, 1999 to file objections to any of the supplemental findings of fact and conclusions of law. No party did so. Accordingly, the Court enters the following supplemental findings of fact and conclusions of law based on the evidence and reasonable inferences which the Court draws from the evidence.

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I. SUPPLEMENTAL FINDINGS OF FACT

1. Plaintiff Peggy Cockrell is the sole heir of decedent Gary Cockrell.

2. The Court finds Plaintiff Peggy Cockrell sustained damages of \$2,500,000.00 for the economic aspect of her general damages claim for loss of care, comfort, and companionship of decedent Gary Cockrell.

3. Plaintiff Peggy Cockrell and Defendant United States of America stipulated that the amount of special damages suffered by Plaintiff Peggy Cockrell is \$1,866,112.00.

4. The Court finds Plaintiff Peggy Cockrell sustained a total of \$4,366,112.00 in damages.

5. Plaintiffs Newell Netsch and Elizabeth Netsch are the sole heirs of decedent Lisa Netsch.

6. The Court finds Plaintiffs Newell Netsch and Elizabeth Netsch sustained damages of \$500,000.00 each for the economic aspect of their general damages claim for loss of care, comfort, and companionship of decedent Lisa Netsch.

7. Plaintiffs Newell Netsch and Elizabeth Netsch did not file a claim for special damages.

8. The Court finds Plaintiffs Newell Netsch and Elizabeth Netsch sustained a total of \$1,000,000.00 in damages.

II. SUPPLEMENTAL CONCLUSIONS OF LAW

1. Pursuant to Cal. Code Civ. Proc. §§ 377.60 & 377.62 and the stipulation of the Parties, Plaintiff Peggy Cockrell is entitled to a total of \$4,366,112.00.

2. Pursuant to Cal. Code Civ. Proc. §§ 377.60 & 377.62, Newell Netsch and Elizabeth Netsch are entitled to a total of \$1,000,000.00.

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III. CONCLUSION

The Court, having previously consolidated the above-entitled cases, now separates the cases for the purpose of entering final judgment. The Court shall forthwith enter judgment in both cases in separate orders.

DATED: 9-9-99


HONORABLE RUDI M. BREWSTER
UNITED STATES SENIOR DISTRICT JUDGE

cc: All Parties
Magistrate Judge